

AMENDMENTS TO THE DRAWINGS

Please amend the figure as shown in the enclosed replacement sheet.

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application and for indicating that claim 4 includes allowable subject matter.

Disposition of Claims

Claims 1-5 were pending in this application. Claim 3 has been canceled in this reply without prejudice or disclaimer. With respect to the pending claims, claims 1 and 5 are independent. The remaining claims depend, directly or indirectly, from claim 1.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 4 includes allowable subject matter.

Claim Amendments

Independent claims 1 and 5 have been amended to include the limitations of now cancelled claim 3. Further, all pending claims have been amended to remove figure reference labels. Further, claim 4 has been amended to depend from claim 1. No new matter has been added. Further, Applicants submit that these amendments do not necessitate a new search.

Drawing Amendments

Figure 1 has been amended to provide greater descriptive detail for the depicted

components. Specifically, more descriptive labels have been provided to designate a mobile equipment component, a network, a server, and a subscriber identity module card. Applicants respectfully submit that no new matter has been added by way of these drawing amendments, as support may be found, for example, in paragraph 50 of the originally-filed Specification.

Drawing Objections

Drawings are objected to because the boxes in Figure 1 must be labeled for better understanding. With this reply, Applicants submit an amended Figure 1 that includes greater descriptive detail for the depicted. Accordingly, the objection is now traversed and withdrawal is requested.

Specification Objections

The specification is objected to as not having an abstract on a separate sheet as required by 37 CFR 1.72(b). Applicant submits that an abstract on a separate sheet is not necessary in this case because (1) an abstract was provided as part of the international application under PCT Article 21 and (2) the international application has entered the national stage of prosecution under 35 U.S.C. § 371. Further, MPEP § 608.01(b) ¶ 6.12 Examiner Note 2 suggests that an abstract on a separate sheet is not required for national stage prosecution of international applications ("371 applications") if an abstract was published with the international application under PCT Article 21.

In the case of the pending application, Applicant submits: (1) an abstract was provided as part of the international application phase, as evidenced by the inclusion of

an abstract when international application PCT/IB2004/002815 published as WO 2005/025178 on March 17, 2005; and (2) international application PCT/IB2004/002815 entered the national stage of prosecution on September 28, 2006 as U.S. Application No. 10/571.216. Accordingly, because an abstract was clearly provided in the international phase and the international application has entered the national phase, an abstract on a separate sheet is not necessary. In view of the above, the objection is improper and accordingly withdrawal is respectfully requested.

Rejection(s) under 35 U.S.C § 103

MPEP §2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 75 U.S.L.W. 4289 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. *See*, MPEP §2143.

In particular, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference; ...” MPEP § 2143(A). Applicants assert that the prior art, whether viewed separately or in combination, fails to teach or suggest all the limitations of the pending independent claims.

Turning to the rejections, claims 1-3 and 5 stand rejected under 35 U.S.C. § 103 as obvious over European Patent Application No. 1156694 (“Uga”) in view of WO

99/64996 (“Cambois”). As claim 3 has been canceled in this reply, the rejection is moot with regards to that claim. To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

Amended independent claim 1 is directed to a method enabling a first entity (hereafter, “authenticating entity”) to authenticate a second entity and data sent by the second entity over a network to a first entity. More specifically, claim 1 recites, in part, “updating in said first entity said failure counter every time the message authenticating code received and the expected code do not match upon comparison by said first entity.” Claim 1 further recites, in part, “determining by said first entity a sequence number included in said authentication function parameters, whether said message authenticating code and authentication function parameters have been already received by said first entity, wherein authentication is aborted without updating a failure counter in said first entity when said sequence number indicates that said message authenticating code and authentication function parameters have already been received by said first entity.”

Uga does not teach or suggest the use, by an authenticating entity, of a failure counter updated to count instances where message authenticating codes and corresponding expected codes for messages received by it do not match. At best, Uga teaches the use of a sequence counter which is incremented with each and every a message is transmitted between entities in a particular session, *see* Uga, paragraph [0096]; as such, the sequence counter of Uga cannot serve to keep a count of mismatches between message authenticating codes and corresponding expected codes for messages received by an authenticating entity. Further, because the authenticating entity under Uga does not have the capacity provided by a failure counter, Uga does not teach or

suggest at least the limitation of “determining by said first entity a sequence number included in said authentication function parameters, whether said message authenticating code and authentication function parameters have been already received by said first entity, wherein authentication is aborted without updating a failure counter in said first entity when said sequence number indicates that said message authenticating code and authentication function parameters have already been received by said first entity.” Accordingly, Uga fails to teach or suggest all the limitations of independent claim 1.

Moreover, Cambois does not teach or suggest that which Uga lacks. Specifically, Cambois teaches checking “a stored number of invalid access attempts”, which is updated with subsequent invalid access attempts. *See* Cambois, pages 7, 25, and 27. However, Cambois does not contemplate an authenticating entity making a determination as to whether a redundant message is received and using that determination as a basis for not updating a fault counter.

In view of the above, amended independent claim 1 is patentable over Uga and Cambois. Further, claim 5 includes at least the same patentable limitations as independent claim 1; accordingly, claim 5 is patentable over Uga and Cambois for at least the same reasons as discussed above with respect to amended independent claim 1. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other

issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09669/082001).

Dated: October 3, 2008

Respectfully submitted,

By Jonathan P. Osha/
Jonathan P. Osha
Registration No.: 33,986
OSHA • LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
713-228-8600
713-228-8778 (fax)
Attorney for Applicants

Attachment: replacement sheet for Figure 1

379351_2